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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/611,630

Applicant(s)

AARON, JEFFREY A.

Examiner

MELLISSA M. CHOJNACKI

Art Unit

2164

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 9-15, 18-22, 24 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9-15, 18-22, 24, and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/19/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19-November-2009 has been entered.

Remarks

2. In response to communications filed on November 19, 2009, no new claims are cancelled; claims 1-3, 7, 9-15, 18-22 and 24-33 have been amended, and no new claims have been added. Therefore, claims 1-3, 7, 9-15, 18-22, and 24-33 are still presently pending in the application.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 11/19/2009 was filed after the mailing date of the Final Office Action on 8/19/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 12-15, 22, 24-25, 27-28, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppelt (U.S. Patent No. 6,571,236), further in view of Kim et al. (U.S. Patent No. 7,249,058).

As to claims 1, Ruppelt teaches a method for providing automatically facilitated marketing and provision of electronic services (See abstract), comprising:

searching a database for a match between user input regarding a problem and information in the database (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34);

obtaining at least one keyword from the information in the database resulting from searching the database for the problem (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34);

determine at least one offered service associated with the at least one keyword (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34, where "service" is read on "solution");

determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting (See column 4, lines 8-38), and

prioritize the at least one offered service based on the determined weighted value customer (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

Ruppelt teaches weight associated with a service but does not explicitly teach the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service, the technical relevance comprising a utility of the at least one offered service to resolve the problem, the provider preference comprising a preference of a service provider to sell the at least one offered service.

Kim et al. teaches a method of promoting strategic documents by bias ranking (See abstract), in which he teaches the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service, the technical relevance comprising a utility of the at least one offered service to resolve the problem, the provider preference comprising a preference of a service provider to sell the at least one offered service (See column 5, lines 13-47, where "provider preference" is read on "merchant's desires").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Ruppelt, to include the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a

provider preference of the at least one offered service, the technical relevance comprising a utility of the at least one offered service to resolve the problem, the provider preference comprising a preference of a service provider to sell the at least one offered service.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ruppelt, by the teachings of Kim et al. because the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service, the technical relevance comprising a utility of the at least one offered service to resolve the problem, the provider preference comprising a preference of a service provider to sell the at least one offered service would provide a way for merchants to promote certain products and services while avoiding promotion schemes of other merchants (See Kim et al., column 2, lines 1-5).

As to claim 2, and 14, Ruppelt as modified, teaches wherein determining at least one offered service associated with the at least one keyword further comprises: determining at least one generic service related to the at least one keyword (See Ruppelt, column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38, where "generic" is read on "general"); and determining the at least one offered service based on the at least one generic service (See column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claims 3, 15 and 33, Ruppelt as modified, teaches if the at least one offered service includes a bundle of two or more services, then determining a weighted value associated with the at least one offered service based on a technical weighting and a preference weighting associated with each of the two or more services of the bundle of service (See Ruppelt, column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claims 12, and 22, Ruppelt as modified, teaches outputting the at least one offered service and information associated with the at least one offered service to a user's processing device (See Ruppelt, column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 13, Ruppelt teaches a computer-readable medium (See abstract) comprising:

logic configured to search a database for a match between user input regarding a computer-related problem and information in the database (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34);

logic configured to obtain at least one keyword from the information in the database resulting from searching the database for the computer-related problem (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34);

logic configured to determine at least one offered service associated with the at least one keyword (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34, where "service" is read on "solution");

logic configured to determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting (See column 4, lines 8-38); and

logic configured to prioritize the at least one offered service based on the determined weighted value (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

Ruppelt teaches weight associated with a service but does not explicitly teach the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service the technical relevance comprising a utility of the at least one offered service to resolve the computer-related problem, the provider preference comprising a preference of a service provider to sell the at least one offered service.

Kim et al. teaches a method of promoting strategic documents by bias ranking (See abstract), in which he teaches the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service the technical relevance comprising a utility of the at least one offered service to resolve the computer-related problem, the provider preference comprising a preference

of a service provider to sell the at least one offered service (See column 5, lines 13-47, where "provider preference" is read on "merchant's desires").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Ruppelt, to include the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service the technical relevance comprising a utility of the at least one offered service to resolve the computer-related problem, the provider preference comprising a preference of a service provider to sell the at least one offered service.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ruppelt, by the teachings of Kim et al. because the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service the technical relevance comprising a utility of the at least one offered service to resolve the computer-related problem, the provider preference comprising a preference of a service provider to sell the at least one offered service would provide a way for merchants to promote certain products and services while avoiding promotion schemes of other merchants (See Kim et al., column 2, lines 1-5).

As to claim 24, Ruppelt, teaches a system for automatically facilitated marketing and provision of electronic security services (See abstract), comprising:

a service suggestion analyzer operatively coupled to the cyclor, the service (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

determine at least one offered service associated with the at least one keyword (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34, where "service" is read on "solution");

determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting (See column 4, lines 8-38), and

prioritize the at least one offered service based on the determined weighted value customer (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

Ruppelt teaches weight associated with a service but does not explicitly teach the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service , the technical relevance comprising a utility of the at least one offered service to resolve the problem, the provider preference comprising a preference of a service provider to sell the at least one offered service.

Kim et al. teaches a method of promoting strategic documents by bias ranking (See abstract), in which he teaches the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service , the technical relevance comprising a utility of the at least one offered service to resolve the problem, the provider preference comprising a preference of a service provider to sell the at least one offered service (See column 5, lines 13-47, where "provider preference" is read on "merchant's desires").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Ruppelt, to include the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service , the technical relevance comprising a utility of the at least one offered service to resolve the problem, the provider preference comprising a preference of a service provider to sell the at least one offered service.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ruppelt, by the teachings of Kim et al. because the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service , the technical relevance comprising a utility of the at least one offered service to resolve the problem,

the provider preference comprising a preference of a service provider to sell the at least one offered service would provide a way for merchants to promote certain products and services while avoiding promotion schemes of other merchants (See Kim et al., column 2, lines 1-5).

As to claim 25, Ruppelt as modified, teaches wherein the service suggestion analyzer further comprises an analyzer module, a service module and an output module (See Ruppelt, column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 27, Ruppelt as modified, teaches wherein the service suggestion analyzer is further configured to: determining at least one offered service associated with the at least one keyword further comprises: determining at least one generic service related to the at least one keyword (See Ruppelt, column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38); and determining the at least one offered service based on the at least one generic service (See Ruppelt, column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 28, Ruppelt as modified, teaches wherein the analyzer module is further configured to include a lookup table to provide the clustered needs list (See Ruppelt, column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 32, Ruppelt as modified, teaches wherein the output module is operatively coupled to the service module and the output module is further configured to provide at least one offered service to a user via at least one of a user's display device of a processing device, auditory means including synthesized voice or paging device (See Ruppelt, abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

6. Claims 7, 9-11, 18-21, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppelt (U.S. Patent No. 6,571,236), in view of Kim et al. (U.S. Patent No. 7,249,058) in further view of Lawrence et al. (U.S. Patent No. 6,738,780).

As to claims 7, 18, and 29, Ruppelt as modified, teaches calculating maximum and minimum thresholds (See column 3, lines 35-61). However, Ruppelt does not explicitly teach comparing the maximum and minimum thresholds to a ratio of the associated technical weighting and the associated preference weighting to determine if the associated preference weighting is overriding the associated technical weighting.

Lawrence et al. teaches autonomous citation indexing and literature browsing using citation context (See abstract), in which he teaches comparing the maximum and minimum thresholds to a ratio of the associated technical weighting and the associated preference weighting to determine if the associated preference weighting is overriding the associated technical weighting (See column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Ruppelt as modified, to include comparing the maximum and minimum thresholds to a ratio of the associated technical weighting and the associated preference weighting to determine if the associated preference weighting is overriding the associated technical weighting.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ruppelt as modified, by the teachings of Lawrence et al. because comparing the maximum and minimum thresholds to a ratio of the associated technical weighting and the associated preference weighting to determine if the associated preference weighting is overriding the associated technical weighting would improve the method for finding relevant and important publications on the web (See Lawrence et al., column 1, lines 61-66).

As to claims 9, 19, and 30, Ruppelt as modified, teaches adjusting or reducing the weighted summation value associated with the at least one offered service if the ratio of the associated technical weighting and the associated preference weighting violates the maximum threshold or the minimum threshold (See Lawrence et al., column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

As to claims 10, 20, and 31, Ruppelt as modified, teaches discarding the at least one offered service if the ratio of the associated technical weighting and the associated

preference weighting violates the maximum threshold or the minimum threshold (See Lawrence et al., column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

As to claims 11 and 21, Ruppelt as modified, if the at least one offered service includes a bundle of two or more services calculating a comparison value for the at least one offered service by adjusting the weighted value associated with the at least one offered service (See Ruppelt abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38; also see Lawrence et al., column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

7. Claim 26, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppelt (U.S. Patent No. 6,571,236), in view of Kim et al. (U.S. Patent No. 7,249,058), in further view of Burnett (U.S. Patent Application Publication No. 2002/0087408).

As to claim 26, Ruppelt as modified, does not explicitly teach wherein the service suggestion analyzer comprises a psychological assistant module and a special deals interface module configured to provide special sales on time sensitive offers.

Burnett teaches a system for providing information to intending consumers (See abstract) in which he teaches wherein the service suggestion analyzer comprises a psychological assistant module and a special deals interface module configured to provide special sales on time sensitive offers (See paragraphs 0211; paragraphs 252-253; paragraph 266; paragraphs 277-278; paragraph 369; paragraph 412-413).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Ruppelt, to include wherein the service suggestion analyzer comprises a psychological assistant module and a special deals interface module configured to provide special sales on time sensitive offers.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ruppelt as modified, by the teachings of Burnett because wherein the service suggestion analyzer comprises a psychological assistant module and a special deals interface module configured to provide special sales on time sensitive offers would a means for providing information to intending consumers of commodity products and/or services and to at least ameliorate one or more shortcomings of the prior art (See Burnett, paragraph 0035).

Response to Arguments

8. Applicant's arguments filed on November 19, 2009, with respect to the rejected claims in view of the cited references have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELLISSA M. CHOJNACKI whose telephone number is (571)272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 13, 2010
Mmc

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164